

# Bayfield County Clerk

**Lynn M. Divine, County Clerk**

Kim Mattson, *Accountant*  
Gail M. Reha, *Bookkeeper*

Jeran Delaine, *Deputy Clerk*  
Paige Terry, *Clerk III*



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## **Minutes of the:** **Bayfield County Board of Supervisors' Meeting** **September 27, 2022 6:00 p.m.**

Meeting Held in the Bayfield County Board Room, Courthouse, Washburn, WI

The meeting of the Bayfield County Board of Supervisors was called to order at 6:05 p.m. by Bayfield County *Chairman* Dennis M. Pocernich. A roll call was taken by *County Clerk*- Lynn Divine, as follows: Steve Sandstrom-present; Mary Dougherty-present; Charly Ray-present; Jeremy Oswald-present virtually; Fred Strand-present; John Rautio-present; Madelaine Rekemeyer-present; Jim Crandall-present; Larry Fickbohm-present; Jeff Silbert-present; Marty Milanowski-present; Brett Rondeau-present; Dennis Pocernich-present. Total: 13 present, 0 absent. A quorum was present to conduct business.

The following were also present for today's meeting: *Human Resources Director*- Kris Kavajecz; *County Clerk*- Lynn M. Divine; *Baker Tilly Representative*-Kim Schultz; *Baker Tilly Representative*-Vanessa Kane (virtually); Max Lindsey; Rob Schierman; *Health Director*-Sara Wartman (virtually); *Accountant*-Kim Mattson (virtually); *Highway Commissioner*-Bob Anderson; and *Clerk III*- Paige Terry (virtually).

3. **Pledge of Allegiance:** The Pledge of Allegiance was recited by all in attendance.
4. **Public Comment:** Max Lindsey stated that he would like to speak on behalf of agenda item number 15 and asked if the board would like him to speak during public comment or during the agenda item. The board agreed to suspend the rules during item 15 to allow Lindsey to speak.
5. **2021 Audit Presentation, Kim Shultz, Baker Tilly:**

Kim Schultz presented the overview and highlights of the 2021 Financial Reports. The section discussing the auditor's responsibility has been lengthened substantially. Total fund balance for 2021 is at \$16,724,364 which is up approximately \$1.6 million. Of the fund million balance, \$6,925,606 of the fund balance is currently unassigned. Abeles-Allison asked for clarification regarding a portion of the unassigned fund balance funds including the county's 25% reserve. Shultz replied that the total for unassigned funds does include the 25% reserve. General fund revenue was approximately \$1.7 million over budget with expenditures being under budget for 2021. Cash and total investments totaled nearly \$24 million. Bayfield County had \$2.5 million in total general obligation debt in 2021. In 2021, Bayfield County expended \$3,169,020 in federal and state funding.

*Motion by Rondeau, seconded by Crandall to receive and place on file. Motion carried, 13-0.*

6. **Discussion and Possible Action, Minutes from August 30, 2022:**

*Motion by Milanowski, seconded by Fickbohm to approve the Minutes of the Monthly Bayfield County Board of Supervisors Meeting held on August 30, 2022. Motion carried, 13-0.*

7. **Bayfield County Resolution No. 2022-94:**

**Resolution Providing for the Issuance, Sale, and Delivery of a \$2,500,000 General  
Obligation Promissory Note, Series 2022, of Bayfield County, Wisconsin;  
Establishing the Terms and Conditions Therefore; Directing its Execution and  
Delivery; Creating a Debt Service Account Therefor and Awarding the Sale Thereof**

BE IT RESOLVED, by the Board of Supervisors (the “Board”) of Bayfield County, Wisconsin (the “County”), as follows:

Section 1.       Note Purpose, Authorization, and Award.

1.01     Under and pursuant to the provisions of Wisconsin Statutes, Chapter 67 and Sections 67.045 and 67.12(12), the County is authorized to issue and sell its general obligation promissory notes for any public purpose.

1.02     The Board hereby directs the issuance and sale of its \$2,500,000 General Obligation Promissory Note, Series 2022 (the “Note”) for the public purpose of financing a portion of the County’s 2021 Highway Reconstruction Program consisting of approximately nine miles of County Highway improvements (the “Project”).

1.03     The County has solicited a proposal for the sale of the Note and received a proposal from Bremer Bank, National Association, located in Washburn, Wisconsin (the “Purchaser”), to purchase the Note to pay or provide for costs of the Project, and upon condition that the Note matures and bears interest at the time and annual rate set forth in Section 2. The County, after due consideration, finds such offer reasonable and proper and the offer of the Purchaser is hereby accepted. All actions of the Chairperson, the County Clerk and the Administrator taken with regard to the sale of the Note are hereby ratified and approved.

Section 2.       Terms and Form of the Note.

2.01     The Note shall be a single note, dated as of the date of delivery, in fully registered form, in the amount of \$2,500,000, with principal and interest payable February 28, 2023.

The Note shall bear interest on the unpaid principal balance at the rate of 4.319% per annum. Interest shall be payable on February 28, 2023. Payments shall be applied first to interest due through the stated principal payment date set forth above on the unpaid principal balance and thereafter to reduction of principal. Delinquent payments, if any, shall be applied by the registered holder in the following sequence: (1) billed delinquent interest, (2) past-due interest installments, (3) past-due principal installments, (4) interest installments due, and (5) principal installments due.

2.02     The principal amount of the Note maturing on February 28, 2023 is subject to redemption and prepayment at the option of the County on January 2, 2023 and on any day thereafter in whole or in part, at par plus accrued interest to the date of redemption.

2.03     The Board hereby appoints the County Clerk as registrar and transfer agent for the Note (such officer or successor thereof is herein referred to as the “Note Registrar”).

2.04     The Note shall bear interest at the annual rate stated therefor in Section 2.01. The County Treasurer shall make all interest payments with respect to the Note by check or draft mailed to the registered owner of the Note shown on the bond registration records maintained by the Note Registrar at the close of business on the 15th day (whether or not on a business day) of the month next preceding the Interest Payment Date at such owner’s address shown on such bond registration records.

2.05     A.       The Note shall be prepared for execution in accordance with the approved form and shall be signed by the manual signature of the Chairperson and attested by the manual signature of the County Clerk. In case any officer whose signature shall appear on the Note shall cease to be an officer before delivery of the Note, such signature shall nevertheless be valid and sufficient for all purposes as if he or she had remained in office until delivery.

B. The County Clerk is authorized and directed to obtain a copy of the proposed approving legal opinion of the Bayfield County Corporation Counsel, which is to be complete except as to dating thereof and cause the opinion to be attached to the Note. The County Clerk is authorized and directed to file the opinion in the County offices.

2.06 A. The County shall cause to be kept at the principal corporate office of the Note Registrar a note register in which, subject to such reasonable regulations as the Note Registrar may prescribe, the County shall provide for the registration of the Note and the registration of transfers of the Note entitled to be registered or transferred as herein provided. In the event of the resignation or removal of the Note Registrar or its incapability of acting as such, the Note registration records shall be maintained at the office of the successor Note Registrar as may be appointed by the Board.

B. Upon surrender for transfer of the Note at the principal corporate office of the Note Registrar, the County shall execute and the Note Registrar shall authenticate and deliver, in the names(s) of the designated transferee(s), one new note of a like aggregate principal amount, as requested by the transferor.

C. A Note surrendered upon the exchange provided for in this Resolution shall be promptly cancelled by the Note Registrar and thereafter disposed of as directed by the Board.

D. A Note issued in exchange for or upon transfer of the Note shall be a valid obligation of the County evidencing the same debt and entitled to the same benefits under this Resolution as the Note surrendered for such exchange or transfer.

E. The Note presented for a transfer or exchange shall (if so required by the County or the Note Registrar) be duly endorsed or be accompanied by a written instrument of transfer, in form satisfactory to the County and the Note Registrar, duly executed by the registered owner thereof or the owner's attorney duly authorized in writing.

F. The County may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with the transfer or exchange of the Note, other than exchange expressly provided in this Resolution to be made, without expense or without charge to the registered owner.

G. If the Note becomes mutilated or is destroyed, stolen or lost, the Note Registrar will deliver a new Note of like amount, number, maturity dates and tenor in exchange and substitution for and upon cancellation of the mutilated Note or in lieu of and in substitution for the Note destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Note Registrar in connection therewith; and, in the case of the Note being destroyed, stolen or lost, upon filing with the Note Registrar and the County of evidence satisfactory to them that the Note was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Note Registrar of an appropriate note or indemnity in form, substance and amount satisfactory to it and as provided by law, in which both the County and the Note Registrar must be named as obligees. The Note so surrendered to the Note Registrar will be cancelled by the Note Registrar and evidence of such cancellation must be given to the County. If the mutilated, destroyed, stolen or lost Note has already matured or been called for redemption in accordance with its terms, it is not necessary to issue a new Note prior to payment.

2.07 The Note delivered upon transfer of or in exchange for or in lieu of any other Note shall carry all of the rights to interest, accrued and unpaid and to accrue, which are carried by such other Note.

2.08 The principal of and interest on the Note shall be payable by the Note Registrar in such funds as are legal tender for the payment of debts due the United States of America. The County shall pay the reasonable and customary charges of the Note Registrar for the disbursement of principal and interest.

2.09 Delivery of the Note and payment of the initial advance of the purchase price under the Note shall be made at a place mutually satisfactory to the County and the Purchaser. A typewritten and executed Note shall be furnished by the County without cost to the Purchaser. The Note, when prepared in accordance with this Resolution and executed, shall be delivered by or under the direction of the County Clerk to the Purchaser upon receipt of the purchase price or initial advance plus accrued interest.

### Section 3. Form of the Note.

3.01 The Note shall be typewritten or printed in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF WISCONSIN  
BAYFIELD COUNTY

R-1

\$2,500,000

GENERAL OBLIGATION PROMISSORY NOTE, SERIES 2022

<u>Rate</u>	<u>Date of Original Issue</u>	<u>Maturity Date</u>
4.319%	October 23, 2022	February 28, 2023

REGISTERED OWNER: BREMER BANK, NATIONAL ASSOCIATION

Bayfield County, Wisconsin (the “County”), for value received, promises to pay to the registered owner specified above (the “Holder”), or registered assigns, the principal sum of One Million Six Hundred Fifty Thousand Dollars (\$2,500,000) payable on February 28, 2023, together with interest on the outstanding principal amount from the date hereof at a rate of 4.319% per annum, calculated on the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. Both principal hereof and interest hereon are payable in lawful money of the United States of America by check or draft from the office of the County Treasurer. The County Treasurer shall make the interest payment with respect to this Note directly to the registered owner hereof shown on the bond registration records maintained on behalf of the County by the County Clerk at the close of business on the 15th day of the month next preceding the Interest Payment Date (whether or not a business day) at such owner’s address shown on said bond registration records, without, except for payment of the final principal installment on the Note, the presentation or surrender of this Note, and all such payments shall discharge the obligation of the County to the extent of the payments so made. Payment of the principal shall be made when due upon presentation and surrender of this Note to the County Clerk. For the prompt and full payment of such principal and interest as they become due, the full faith and credit and resources of the County are irrevocably pledged.

The principal of and interest on the Note are payable in such funds as are legal tender for payment of debts due the United States of America. Payments shall be applied first to interest due through the stated principal payment date set forth above on the unpaid principal balance and thereafter to reduction of principal. Delinquent payments, if any, shall be applied by the Holder in the following sequence: (1) billed delinquent interest, (2) past-due interest installments, (3) past-due principal installments, (4) interest installments due and (5) principal installments due.

This Note is issued by the County in the amount of \$2,500,000 pursuant to the authority contained in Wisconsin Statutes, Chapter 67, and Sections 67.045 and 67.12(12), and all other laws thereunto enabling, and pursuant to an authorizing resolution adopted by the governing body of the County on September 27, 2022 (the “Resolution”), for the public purpose of financing a portion of the County’s 2022 Highway Reconstruction Program. The Note is payable from the Series 2022 Promissory Note Debt Service Account in the County’s Debt Service Fund and a direct annual ad valorem tax has been levied upon all of the taxable property within the County, as set forth in the Resolution to which reference is made for a full statement of rights and powers thereby conferred.

This Note has been designated by the County as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

The principal amount of the Note shall be subject to redemption and prepayment at the option of the County on January 2, 2022 and on any day thereafter, in whole or in part, at par plus accrued interest to the date of redemption.

The Note is issued as a fully registered note without coupons, in the denomination of \$2,500,000. The County will, at the request of the registered owner, issue one new fully registered note in the name of the

registered owner in the aggregate principal amount equal to the unpaid principal balance of the Note, all of like tenor except as to number and principal amount. This Note is transferable by the registered owner hereof upon surrender of this Note for transfer at the principal office of the Note Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Note Registrar and executed by the registered owner hereof or the owner's attorney duly authorized in writing. Thereupon the County shall execute and the Note Registrar shall authenticate and deliver, in exchange for this Note, one new fully registered note in the name of the transferee of an authorized denomination, in an aggregate principal amount equal to the unpaid principal amount of this Note, of the same maturity, and bearing interest at the same rate.

IT IS CERTIFIED AND RECITED that all acts and conditions required by the Constitution and laws of the State of Wisconsin to be done and to exist precedent to and in the issuance of this Note, in order to make it a valid and binding general obligation of the County in accordance with its terms, have been done and do exist in form, time and manner as so required; that all taxable property within the limits of the County is subject to the levy of ad valorem taxes to the extent needed to pay the principal hereof and the interest hereon when due, without limitation as to rate or amount and that the issuance of this Note does not cause the indebtedness of the County to exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, Bayfield County, Wisconsin, by its governing body, has caused this Note to be executed in its name by the signatures of the Chairperson and the County Clerk and its corporate seal or a true facsimile thereof to be impressed or imprinted hereon, all as of the date of original issue specified above.

ATTEST:

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chairperson

(SEAL)

Date of Execution: October 21, 2022

#### REGISTRATION CERTIFICATE

This Note must be registered as to both principal and interest in the name of the owner on the books to be kept by the County Clerk. No transfer of this Note shall be valid unless made on said books by the registered owner or the owner's attorney thereunto duly authorized and similarly noted on the registration books. The ownership of the unpaid principal balance of this Note and the interest accruing thereon is registered on the books of the County Clerk in the name of the registered owner last noted below.

<u>Date</u>	<u>Registered Owner</u>	<u>Signature of County Clerk</u>
10/21/2021	Bremer Bank, National Association 31 West Bayfield Street Washburn, WI 54891 Federal Taxpayer I.D. No.: 39- 0669450	_____

#### ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns, and transfers unto \_\_\_\_\_

\_\_\_\_\_  
(Name and Address of Assignee)

\_\_\_\_\_  
Social Security or other  
Identifying Number of  
Assignee

the within Note and all rights thereunder and does hereby irrevocably constitute and appoint \_\_\_\_\_ attorney to transfer the said Note on the books kept for registration thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

NOTICE: The signature of this assignment must correspond with the name of the registered owner as it appears upon the face of the within Note in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

\_\_\_\_\_  
(Bank, Trust Company, member of  
National Securities Exchange)

#### EXHIBIT A TO NOTE

Amount of Disbursement	Date of Disbursement
\$2,500,000	October 21, 2022

#### Section 4. Borrowed Money Fund; Debt Service Fund.

4.01 A The Series 2022 Borrowed Money Fund. There is hereby created a separate and special fund designated as the Series 2022 Borrowed Money Fund (the “Borrowed Money Fund”), which shall be used solely for payment of costs of constructing the Project. Proceeds of the Note shall be drawn and credited to the Borrowed Money Fund. The monies in said fund may from time to time be invested as provided in Section 66.0603, Wisconsin Statutes. Upon completion of such capital improvements as described in Section 1.02 hereof, and after payment in full of all costs thereof, any balance on hand in the Borrowed Money Fund shall be credited to the Debt Service Account.

B. Debt Service Fund. There is hereby established in the treasury of the County, if it has not already been created, a debt service fund separate and distinct from every other fund (the “Debt Service Fund”), which shall be maintained in accordance with generally accepted accounting principles. Sinking funds established for obligations previously issued by the County may be considered as separate and distinct accounts within the Debt Service Fund. There shall be maintained in the Debt Service Fund a separate account, to be designated the Series 2021 Promissory Note Debt Service Account.

C. The Series 2022 Promissory Note Debt Service Account. To the Series 2022 Promissory Note Debt Service Account (the “Debt Service Account”) there is hereby pledged and irrevocably appropriated and there shall be credited: (1) any collections of all taxes levied herein for the payment of the Note and interest thereon; (2) all investment earnings on funds in the Debt Service Account; (3) accrued interest, if any, received upon delivery of the Note; (4) surplus monies in the Borrowed Money Fund as specified in Section 4.01A hereof; (5) funds appropriated in Section 4.02A hereof in the amount of **\$38,754.17**; and (6) any and all other monies which are properly available and are appropriated by the County to the Debt Service Account including further deposits as may be required by Section 67.11 of Wisconsin Statutes. The amount of any surplus remaining in the Debt Service Account when the Note and interest thereon are paid shall be used to reduce the amount of taxes levied herein. No money shall be withdrawn from the Debt Service Account and appropriated for any purpose other than the payment of principal of and interest on the Note until all such principal and interest has been paid in

full and cancelled; provided (i) the funds to provide for each payment of principal of and interest on the Note prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due; and (ii) any funds over and above the amount of such principal and interest payments on the Note may be used to reduce the next succeeding tax levy, or may, at the option of the County, be invested by purchasing the Note as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, in interest bearing obligations of the United States of America, or in other obligations of the County, which investments shall continue to be a part of the Debt Service Account. When all of the Note has been paid in full and cancelled, and all permitted investments disposed of, any money remaining in the Debt Service Account shall be deposited in the general fund of the County, unless the Board directs otherwise.

D. Draws on Note. On the date of issuance of this Note, the County shall draw \$2,500,000 of the Note.

4.02 Debt Service Levy.

A. The Board hereby appropriates \$38,754.17 from the County's General Fund – Contingency Line Item to the Debt Service Account to pay the interest due on the Note on February 28, 2023.

B. For the purpose of paying the principal of and interest on the Note as the same become due, the full faith, credit and resources of the County are hereby irrevocably pledged and there hereby is levied on all the taxable property in the County a direct, annual, irrevocable tax in such year and in such amount as is sufficient, together with the monies appropriated to the Debt Service Account as provided for in Section 4.02A, to meet such principal and interest payments when due; said tax is hereby levied in the year and in the amount shown on Exhibit A hereto, which is incorporated by reference as though fully set forth herein.

B. The County shall be and continue to be without power to amend Sections 4.02A or repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Note, said tax shall be carried into the tax rolls of the County and collected as other taxes are collected.

4.03 Payment of Costs of Issuance. The County agrees to pay the costs of issuance of the Note as set forth in the officers' certificate on the Closing Date.

Section 5. Certificate of Proceedings.

5.01 The officers of the County are authorized and directed to prepare and furnish to the Purchaser and to bond counsel certified copies of all proceedings and records of the County relating to the authorization and issuance of the Note and other affidavits and certificates as may reasonably be requested to show the facts relating to the legality and marketability of the Note as such facts appear from the official books and records of the officers' custody or otherwise known to them. All of such certified copies, certificates and affidavits, including any heretofore furnished, constitute representations of the County as to the correctness of facts recited therein and the actions stated therein to have been taken.

5.02 The County Clerk shall provide and keep a separate record book and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Note.

5.03 In the event of the absence or disability of the Chairperson or County Clerk, such officers of the County or members of the Board as in the opinion of the County's attorney may act in their behalf shall, without further act or authorization, execute and deliver the Note, and do all things and execute all instruments and documents required to be done or executed by such absent or disabled officers.

Section 6. Tax Covenants.

6.01 A. The County hereby covenants not to use the proceeds of the Note, or to cause or permit them to be used, in such a manner as to cause the Note to be a "private activity bond" within the meaning of Sections 103 and 141 through 150 of the Code.

B. The County covenants and agrees to comply with requirements under the Code necessary to establish and maintain the exclusion from gross income under Section 103 of the Code of the interest on the Note, including without limitation (1) requirements relating to temporary periods for investment, (2) limitation on amounts invested at a yield greater than the yield on the Note, and (3) the rebate of excess investment earnings to the United States if the gross proceeds of the Note are not expended for the purposes of the Note in accordance with the requirements of the small-issuer exception and the regulations thereunder.

C. For purposes of qualifying for the small-issuer exception to the federal arbitrage rebate requirements, the County finds, determines and declares:

- (1) the County is a governmental unit with general taxing powers;
- (2) the Note is not a “private activity bond” as defined in Section 141 of the Code;
- (3) 95% or more of the net proceeds of the Note are to be used for local governmental activities of the County;
- (4) the aggregate face amount of the tax-exempt obligations (other than private activity bonds) issued by the County during the calendar year in which the Note is issued is not reasonably expected to exceed \$5,000,000, all within the meaning of Section 148(f)(4)(D) of the Code.

D. In order to qualify the Note as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3) of the Code, the County hereby makes the following factual statements and representations:

- (1) the Note is not a “private activity bond” as defined in Section 141 of the Code;
- (2) the County hereby designates the Note as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Code;
- (3) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds, treating qualified 501(c)(3) bonds as not being private activity bonds) which will be issued by the County (and all entities whose obligations will be aggregated with those of the County) during the calendar year in which the Note was issued will not exceed \$10,000,000; and
- (4) not more than \$10,000,000 of obligations issued by the County during the calendar year in which the Note was issued have been designated for the purposes of Section 265(b)(3) of the Code.

E. The County shall use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designation made by this section.

Section 7. Post-Issuance Compliance Policy and Procedures. The Board has previously approved a Post-Issuance Debt Compliance Policy and Post-Issuance Debt Compliance Procedures which shall apply to qualifying obligations to provide for compliance with all applicable federal regulations for tax-exempt obligations or tax-advantaged obligations (collectively, the “Policy and Procedures”). The Board hereby approves the Policy and Procedures for the Note. The County Clerk continues to be designated to be responsible for post-issuance compliance in accordance with the Policy and Procedures.

*Motion by Crandall, seconded by Sandstrom to adopt Resolution No. 2022-94 Providing for the issuance, sale, and delivery of a \$2,500,000 general obligation promissory note, series 2022, establishing terms and conditions therefore, directing its execution and delivery, creating a debt service account therefore and awarding the sale thereof; County Highway Reconstruction work borrowing in 2022 for 2023. Roll Call Vote: Dougherty-yes; Fickbohm-yes; Silbert-yes; Oswald-yes; Rautio-yes; Sandstrom-yes; Ray-yes; Strand-yes; Rondeau-yes; Milanowski-yes; Rekemeyer-yes; Crandall-yes; Pocernich-yes. Motion carried, 13-0.*

## **8. Bayfield County Resolution No. 2022-95:**



## 2022 Sheriff's Office Budget Amendment

**WHEREAS**, the State of Wisconsin Department of Administration has awarded each local law enforcement agency in the State of Wisconsin an allocation of funds based on the size of the population it serves; *and*,

**WHEREAS**, this program is intended to provide law enforcement agencies with additional resources to help offset certain costs associated with hiring, training, testing, and equipping law-enforcement officers as well as updating certain technology and policies and implementing new crime-reduction initiatives; *and*,

**WHEREAS**, the total amount awarded to the Bayfield County Sheriff's Office is \$26,478 for the duration of the award period which is between March 15, 2022 and June 30, 2023; *and*,

**WHEREAS**, the Bayfield County Sheriff's Office will be purchasing equipment permitted for use with these funds during the 2022 budget year; *and*,

**WHEREAS**, the total cost for these items is estimated to be \$12,000; *and*,

**WHEREAS**, the total reimbursement for these items will be \$12,000;

**NOW THEREFORE BE IT RESOLVED**, that the Bayfield County Board of Supervisors assembled this 27<sup>th</sup> day of September 2022, does hereby authorize the 2022 Sheriff's Office budget to be amended to reflect increases in revenues and expenses to:

Increase Revenue:

100-17-43523-001	by	\$12,000
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Increase Expenses:

100-17-52106-50810	by	\$ 7,000
100-17-52106-50290	by	<u>\$ 5,000</u>

Total Expenses:		\$12,000
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*Motion by Oswald, seconded by Rautio to adopt Resolution No. 2022-95 2022 Sheriff's Office Budget Amendment. Roll Call Vote; Fickbohm-yes; Strand-yes; Rekemeyer-yes; Sandstrom-yes; Crandall-yes; Dougherty-yes; Oswald-yes; Rautio-yes; Ray-yes; Silbert-yes; Milanowski-yes; Rondeau-yes; Pocernich-yes. Motion carried, 13-0.*

### 9. **Bayfield County Resolution No. 2022-96:**

#### **Resolution Thanking the Eleanor Schoenfeld Becker Trustees for Gifting 160 Acres of Land to Bayfield County in the Town of Port Wing**

**WHEREAS**, in August 2022, Bayfield County was gifted 160 acres of land from the Eleanor Schoenfeld Becker Trust; *and*,

**WHEREAS**, the land is located in the SE ¼, Section 5, T49N-R7W, in the Town of Port Wing; *and*,

**WHEREAS**, William Schoenfeld purchased the property over a century ago and, upon his passing, divided it among his four children (Bill, Eleanor, Mildred, and Loretta). In turn, their children inherited

the land and combined all parcels to form the Eleanor Schoenfeld Becker Trust. The current generation of Trustees is comprised of three cousins, Ronald Schoenfeld, Carol Schoenfeld Bohne and Joy Burdick Nowell; *and*,

**WHEREAS**, the land will be enrolled in County Forest Law, managed as part of the Bayfield County Forest and provide an abundance of public benefits;

**NOW THEREFORE BE IT RESOLVED**, that the Bayfield County Board of Supervisors assembled this 27<sup>th</sup> day of September 2022, extends its sincere thanks and appreciation to the Eleanor Schoenfeld Becker Trustees for the 160 acre gift of land.

*Motion by Strand, seconded by Rondeau to adopt Resolution No. 2022-96 Thanking the Eleanor Schoenfeld Becker Trustees for Gifting 160 Acres of Land to Bayfield County in the Town of Port Wing. Motion carried, 12-0, 1 absent.*

**10. Bayfield County Resolution No. 2022-97:**

**Purchase of Land Within the Town of Barnes and Enrollment in County Forest Law**

**WHEREAS**, Bayfield County is interested in purchasing a roughly one acre parcel, adjacent to East Eight Mile Lake, in the Town of Barnes; *and*,

**WHEREAS**, the parcel is described as part of the SESW, Section 35, T46N-R9W, Town of Barnes, Tax ID# 3309; *and*,

**WHEREAS**, the parcel is adjacent to Bayfield County Forest land and contains approximately 370' of frontage on East Eight Mile Lake; *and*,

**WHEREAS**, the Forestry and Parks Department actively pursues land acquisition opportunities, including, but not limited to, those that improve county forest blocking and management efficiencies; protect and/or maintain undeveloped shoreline; increase public access to water features; or otherwise improve recreational potential; *and*,

**WHEREAS**, the purchase of this roughly one acre parcel is consistent with the Bayfield County Forest Comprehensive Land Use Plan, would protect and more than double the amount of publicly accessible shoreline on East Eight Mile Lake and improve future public recreational opportunities at this location; *and*,

**WHEREAS**, the purchase price for this parcel would be \$2,500.00, plus minimal administrative and closing costs; *and*,

**WHEREAS**, a sufficient level of land acquisition spending authority has already been approved as part of the 2022 Forestry and Parks Department budget. As such, no further budget amendment will be required; *and*,

**WHEREAS**, this parcel would be enrolled in County Forest Law and managed as part of the Bayfield County Forest; *and*,

**WHEREAS**, during their meeting on September 12, 2022, the Forestry and Parks Committee unanimously approved the purchase of said property;

**NOW THEREFORE BE IT RESOLVED**, that the Bayfield County Board of Supervisors assembled this 27<sup>th</sup> day of September 2022, authorizes the Bayfield County Forestry and Parks Administrator, on behalf of Bayfield County, to purchase the above listed parcel and subsequent entry of said land into County Forest Law.

*Motion by Strand, seconded by Sandstrom to adopt Resolution No. 2022-97 Purchase of Land Within the Town of Barnes and Enrollment in County Forest Law. Motion carried, 13-0.*

**11. Report No. 2022-10:**

**REPORT OF THE BAYFIELD COUNTY PLANNING AND ZONING COMMITTEE**

**TO: The County Board of Supervisors of Bayfield County on the hearing of petitions to amend the Bayfield County Zoning Ordinance.**

**The Planning and Zoning Committee of the Bayfield County Board of Supervisors, having held a public hearing pursuant to Section 59.69(5)(e), Wisconsin Statutes; notice thereof having been given as provided by law; and having been duly informed of the facts pertinent to the following changes; hereby recommends the following action on said petition:**

**AN ORDINANCE AMENDING SECTIONS 13-1-63, CODE OF ORDINANCES, BAYFIELD COUNTY, WISCONSIN.**

**Sec. 13-1-63 Town of Russell Overlay District (©)8/30/2005)**

- (a) **Applicability.** The Town of Russell Overlay District shall apply to and include all lands within the Town of Russell. (©)8/30/2005)
- (b) **Intent of Town of Russell Overlay District.** The intent of this overlay district is to promote the public health, safety, convenience and general welfare; to encourage planned and orderly land use development; to protect property values and the property tax base; to permit the careful planning and efficient maintenance of roadways; to ensure adequate highway, utility, health, educational and recreational facilities; to recognize the needs of agriculture, forestry, industry and business in future growth; to encourage uses of land and other natural resources which are in accordance with their character and adaptability; to encourage the protection of old-growth forests; to preserve wetlands; to conserve soil, water and forest resources; to protect the beauty and amenities of landscape and man-made developments; to provide healthy surroundings for family life; and to promote the efficient and economical use of public funds. (©)8/30/2005)
- (c) **Definitions.** All terms contained herein shall be as defined in Sec. 13-1-4 unless otherwise defined within this section. (©)8/30/2005)
  - (1) ~~**Alternative Development.** A development or land division in which dwellings and other buildings are located on only a portion of a development, in contrast to conventional practice, which distributes development evenly across the entirety of a parcel, in order to accomplish either of the following:~~ (©)8/30/2005)
    - a. ~~Preserve by deed restriction, including conservation easement, restrictive covenant and development rights transfers, the majority of the land division parcel for present or future agricultural use or conservation;~~ (©)8/30/2005)
    - b. ~~Create, maintain or expand protective barriers contiguous with roadways, lakes, wetlands and other natural resources in the Town of Russell.~~ (©)8/30/2005)

~~(2) **Certified Forester.** A person meeting the requirements of Section NR 1.21(2)(e) of the Wisconsin Administrative Code.~~ (©)8/30/2005)

~~(3) **Conservation Easement.** As provided in §700.40, Wis. Stats., a holder's non-possessory interest in real property imposing any limitation or affirmative obligation, the purpose of which includes retaining or protecting natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site, as defined in §157.70(1)(b), Wis. Stats. or preserving the historical, architectural, archaeological or cultural aspects of real property.~~ (©)8/30/2005)

~~(4) **Deed restriction.** A restriction on the use of a property set forth in a deed or other instrument of conveyance, including, but not limited to, a restrictive covenant, conservation easement, transfer of development rights or any restriction placed on undeveloped land as a condition for the division or development of the undeveloped land.~~ (©)8/30/2005)

~~(5)(1) **Historic Site Overlay.** An area designated by the Bayfield County Board that possesses a contiguous or nearly contiguous historic site(s), building(s), structure(s) or objects united historically and/or aesthetically by a common theme or a set of common characteristics that are historically or architecturally significant to the Town of Russell, the state or the nation.~~ (©)8/30/2005)

~~(6)(2) **Historic Site.** Any parcel of land whose historic significance is due to a substantial value in tracing the history or prehistory of, humanity, or upon which a historic event has occurred and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as, and constituting part of, the premises on which the historic structure is situated.~~ (©)8/30/2005)

~~(7)(3) **Historic Structure/Building.** Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the Town of Russell, the state or the nation and which has been designated as a historic structure pursuant to the provisions of this section.~~ (©)8/30/2005)

~~(8) **Old-Growth Forest.** A forest that includes at least eight 100-year-old trees per acre; is at least five acres in size.~~ (©)8/30/2005)

~~(d) **Zoning District Dimensional Requirements and Classification.** Except as provided in subsections (e) and (f) below, the following dimensional requirements shall apply to all parcels located within the Town of Russell Overlay District:~~ (©)8/30/2005)

Zoning District	Minimum Area	Minimum Frontage	Minimum Average Width	Minimum Side and Rear Yard	
				Principal Building	Accessory Building
R-RB, R-1	9.5 acres	150'	150'	10'	10'
F-1, R-2, A-1	9.5 acres	300'	300'	75'	30'
R-3	9.5 acres	200'	200'	20'	20'
F-2, A-2	35 acres	1,200'	1,200'	75'	75'
I, C	5 acres	300'	300'	75'	75'
R-4					
(a) Sewer/Water	9.5 acres	75'	75'	10'	10'
(b) Sewer Only	9.5 acres	75'	75'	10'	10'
(c) Water Only	9.5 acres	100'	100'	10'	10'
W	5 acres	N/A	N/A	N/A	N/A

(©)8/30/2005); (D)4/19/2016); (A)4/19/2016)



The classification of uses stated in Section 13-1-62 of the Bayfield County ordinances as of the date of the adoption of this section shall apply to the Town of Russell Overlay District. (©)8/30/2005)

(e) **Alternative Developments.** In order to further the goals and policies of the Town of Russell Land Use Plan, the Bayfield County Planning and Zoning Agency will favor plans for land divisions that provide for an alternative development. At the discretion of the Bayfield County Planning and Zoning Agency, deed restrictions, including restrictive covenants, or conservation easements, or both, may be required for such plans. (©)8/30/2005); (A)7/30/2013); (A)4/19/2016); (A)2/27/2018)

(1) **Minimal Lot Area.** The minimal lot area as stated in subsection (d) above shall apply unless the developer submits an application and plan for an alternative development that includes a plan as to how the minimal open space will be maintained. Upon consideration of the recommendation and the approval by the Bayfield County Planning and Zoning Agency of a plan for an alternative development, the minimal lot requirements of Section 13-1-60 of the Bayfield County Zoning Ordinance shall apply to that portion of the development not required to meet the open space requirements. (©)8/30/2005); (A)7/30/2013); (A)4/19/2016); (A)2/27/2018)

(2) **Minimal Open Space.** A plan for an alternative development shall include minimal open space as set forth in the table below. (©)8/30/2005)

Zoning District	Percent of acreage required to remain open space	Percentage of acreage dividable under section 13-1-60
R-RB, R-1, R-4, I, C	35%	65%
F-1, R-2, R-3, A-1	45%	55%
F-2, A-2	50%	50%

(©)8/30/2005); (A)4/19/2016)

(3) **Ownership of Minimal Open Space.** Ownership of the open space shall as follows: (©)8/30/2005); (A)12/15/2009)

a. Each unit created under this section may own an equal amount of the required minimum open space, or an unequal amount of open space or none of the required open space if that was the wishes of the owner as long as the minimum requirement was met. A deed restriction shall be recorded describing the open space and buildable space, restricting the entire lot from being subdivided and prohibiting any structure; any change in the use of the land requiring a permit within the open space or

(©)12/15/2009); (A)4/19/2016)

b. Any individual or entity may own the entire open space. A deed restriction shall be recorded describing the open space, prohibiting the open space from being subdivided and prohibiting any structure; any change in the use of the land requiring a permit within the open space. (©)12/15/2009); (A)4/19/2016)

c. The creation of any lots and open space shall be by a Certified Survey Map. (©)12/15/2009)

d. A Class A Special Use permit shall be required prior to any subdivision under this section. (©)12/15/2009); (A)4/19/2016)

(4) **Uses of Open Space.** Space that is dedicated to be open shall be maintained in a natural, undisturbed condition, which shall include the farming of crops, and keeping of animals. Limited access may be allowed for passive or active recreation. (©)8/30/2005); (A)4/19/2016)

- (5) ~~**Additional Plan Requirements.** A plan for an alternative development shall meet all of the requirements of the Bayfield County Zoning Ordinance and shall include the following: (C)8/30/2005~~
- a. ~~The location of all improvements and minimal open space and a plan as to how the minimal open space will be maintained. (C)8/30/2005~~
  - b. ~~A plan that as to how the minimal open space will be used and maintained; (C)8/30/2005~~
  - c. ~~Existing zoning on and adjacent to the proposed development; (C)8/30/2005~~
  - d. ~~Any proposed lake and stream access with a small drawing clearly indicating the location for the proposed development in relation to the access; (C)8/30/2005~~
  - e. ~~Any proposed lake and stream improvements or relocation; (C)8/30/2005~~
  - f. ~~All Department of Natural Resources designated wetlands, and any field verified wetlands designated by a public agency. (C)8/30/2005~~
  - g. ~~The Bayfield County Planning and Zoning Agency shall require submission of a draft of protective covenants, where a covenant is proposed and whereby the land divider intends to regulate land use in the proposed development. The covenants may be subject to the review and approval of the Bayfield County Corporation Counsel as to form; (C)8/30/2005; (A)7/30/2013; (A)4/19/2016; (A)2/27/2018~~
  - h. ~~Easements shall be shown and shall be limited to utility easements, drainage easements, conservation easements, access easements and service easements; (C)8/30/2005~~
  - i. ~~A detailed statement as to whether and how the proposed development is consistent with the Town of Russell Land Use Plan; (C)8/30/2005~~
  - j. ~~Characteristics of vegetation; (C)8/30/2005~~
  - k. ~~Historic and cultural features; (C)8/30/2005~~
  - l. ~~Scenic vistas. (C)8/30/2005~~
  - m. ~~A plan for an alternative development shall and shall assure proper use, construction and maintenance of open space facilities and shall result in a development superior to conventional development in terms of its benefits to future owners of the development, surrounding residents and the general public. The Town of Russell Board may recommend and County Planning and Zoning Agency may place whatever additional conditions or restrictions it deems necessary to insure development and maintenance of the desired character, including plans for disposition or re-use of property if the open space use is not maintained in the manner agreed upon or is abandoned by the owners. (C)8/30/2005; (A)7/30/2013; (A)4/19/2016; (A)2/27/2018~~
- (f) ~~**Nonconforming Parcels.** Notwithstanding Sec. 13-1-26(d), any parcel of land with dimensions not conforming to the zoning district dimensions of this section that was created by a county approved certified survey map or plat prior to the adoption of this section on the 30th day of August 2005, shall not be subject to the dimensional requirements of this section. Further subdivision of such parcels and all other parcels shall be governed by this section. (C)8/30/2005~~
- (g)(d) **Historic Site Overlay District.** It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of

special character or special architectural, archeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. (©)8/30/2005)

(1) The purpose of this section is to: (©)8/30/2005)

- a. Effect and accomplish the protection, enhancement and preservation of such improvements, sites and districts which represent or reflect elements of the Town of Russell's cultural, social, economic, political, artistic and architectural history; (©)8/30/2005)
- b. Safeguard the Town of Russell's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts; (©)8/30/2005)
- c. Foster civic pride in the notable accomplishments of the past; (©)8/30/2005)
- d. Stabilize and improve property values and enhance the visual and aesthetic character of the Town of Russell; (©)8/30/2005)
- e. Protect and enhance the Town of Russell's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry. (©)8/30/2005)

(2) **Applicability.** The Historic Site Overlay District shall apply to and include historic sites and/or historic structures placed therein pursuant to the provisions of paragraph (3) below. (©)8/30/2005)

(3) **Classification Procedure and Criteria** (©)8/30/2005)

- a. Addition and Removal of Historic sites – Procedure (©)8/30/2005)
  1. Historic sites and historic structures may be added to, or removed from, the Historic Site Overlay District upon a petition by either the landowner or Town of Russell Board. (©)8/30/2005)
  2. Before adding or removing any site or structure to or from the Historic Site Overlay District, the Bayfield County Planning and Zoning Committee shall review the recommendation of the Town of Russell. (©)8/30/2005); (A)7/30/2013)
  3. The committee shall then vote to add or remove the site or structure to or from the Historic Site Overlay District based upon the recommendation of the Town of Russell and the criteria in paragraph b. below. The final decision shall be made by the Bayfield County Board. (©)8/30/2005);
4. Designated historic sites or structures: (©)4/19/2016)
  - a. Engbloom School site Bayfield County Coordinates x8121100 y572800 (©)4/19/2016)
  - b. Sand Bay School site Bayfield County Coordinates x81400 y578300 (©)4/19/2016)
  - c. Raspberry School site Bayfield County Coordinates x827900 y569700 (©)4/19/2016)
  - d. Carver School Site Bayfield County Coordinates x832560 y561400 (©)4/19/2016)



- b. **Criteria for Addition and Removal of Historic sites** – For purposes of this section, a locally designated historic structure, historic site or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to the Town of Russell, the state or the nation, which: (©)8/30/2005)
  1. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community; or (©)8/30/2005)
  2. Is identified with historic personages or with important events in national, state or local history; or (©)8/30/2005)
  3. Embodies the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship, or that represents a significant and distinguishable entity whose components lack individual distinction; or (©)8/30/2005)
  4. Is representative of the notable work of a master builder, designer or architect who influenced his age; or (©)8/30/2005)
  5. Has yielded, or may be likely to yield, information important to prehistory or history. (©)8/30/2005)
- (4) **Management and Maintenance** – Ordinary maintenance and repairs may be undertaken, provided that the work involves repairs to existing features of a historic structure or site, or the replacement of elements of a structure with pieces identical in appearance, and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit. (©)8/30/2005)
- (5) **Permitted Uses** – All uses permitted within the underlying zoning district, by right, shall be permitted unless specifically prohibited below. In all cases, the more restrictive requirement(s) shall apply. (©)8/30/2005); (D)5/28/2019)
- (6) **Prohibited Uses** – The following shall not be permitted within a historic district prior to the issuance of a special use permit. (©)8/30/2005)
  - a. The construction or reconstruction, alteration or demolition of all of or any part of the property. (©)8/30/2005)
  - b. Improvements made to any site or structure beyond the typical maintenance that will not change the appearance or character of the site or structure. (©)8/30/2005)
  - c. The construction, building or maintenance of any road path or thoroughfare for the passage of motor vehicles. (©)8/30/2005)
- (7) The Town Board shall recommend and the county shall issue a special use or permit unless: (©)8/30/2005)
  - a. In the case of a historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done; (©)8/30/2005)
  - b. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect, or not be compatible with, the external appearance of other neighboring improvements on such site or within the district; (©)8/30/2005)



- c. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district; (C)8/30/2005)
- d. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair; (C)8/30/2005)
- e. The building or structure is of such local architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state; (C)8/30/2005)
- f. In the case of a request for a demolition permit, the denial of the demolition permit would result in the loss of reasonable and beneficial use of, or return from, the property. (C)8/30/2005)

~~(h) — Old-Growth Overlay District (C)8/30/2005)~~

~~(1) — Purpose. The purpose of the Old-Growth Overlay District is to: (C)8/30/2005)~~

- ~~a. Discourage development and disturbance to the natural environment in areas with old-growth/virgin timber. (C)8/30/2005)~~
- ~~b. Provide areas where native flora and fauna may prosper in a natural habitat. (C)8/30/2005)~~

~~(2) — Applicability. The Old-Growth Overlay District shall apply to Old-Growth Forests placed therein pursuant to paragraph (3) below. (C)8/30/2005)~~

~~(3) — Classification procedure (C)8/30/2005)~~

- ~~a. Old-growth forests may be added to, or removed from, the Old-Growth Overlay District upon a petition by either the landowner or the Town of Russell Board. (C)8/30/2005)~~

*Motion by Strand, seconded by Silbert to suspend the rules to allow the Town of Russell authorized agent, Robert Schierman to speak on behalf of agenda item numbers 11 and 12.*

Rob Schierman gave a summary of the ordinance's history as well as the town's reasoning to change the ordinance to the board. The ordinance amendment would remove the overlay district and leave the Town of Russell subject to the same ordinance and zoning restrictions as the rest of Bayfield County.

*Motion by Strand, seconded by Silbert to receive and place on file Report No. 2022-10 Petition to Amend Sections 13-1-63, Code of Ordinances, Bayfield County, Wisconsin. Motion carried, 13-0.*

## 12. Bayfield County Amendatory Ordinance No. 2022-10:

The Bayfield County Board of Supervisors ordains as follows:  
That the Bayfield County Zoning Ordinance, adopted June 1, 1976, be and the same, is  
hereby amended as follows:

**AN ORDINANCE AMENDING SECTION 13-1-63 OF THE CODE OF ORDINANCES,  
BAYFIELD COUNTY, WISCONSIN.**

**WHEREAS**, Wisconsin Statutes §59.69(5) authorizes the County Board to adopt a zoning ordinance; and

**WHEREAS**, Wisconsin Statutes §59.69(5)(e) authorizes the County Board to amend an ordinance; and

**WHEREAS**, Section 13-1-104 Code of Ordinances, Bayfield County, Wisconsin authorizes the County Board to make amendments to Title 13, Chapter 1 of the Code of Ordinances, Bayfield County, Wisconsin pursuant to Wisconsin Statutes §59.69; and

**WHEREAS**, it is deemed in the best interest of Bayfield County to amend **Definitions** under §13-1-63(c) Code of Ordinances, Bayfield County, Wisconsin to delete the numbers (1), (2), (3), (4), & (8); and

**WHEREAS**, it is deemed in the best interest of Bayfield County to amend **Definitions** under §13-1-63(c) Code of Ordinances, Bayfield County, Wisconsin such that (5), (6), & (7) are renumbered to (1), (2), & (3); and

**WHEREAS**, it is deemed in the best interest of Bayfield County to amend **Zoning District Dimensional Requirements and Classification** under §13-1-63(d) Code of Ordinances, Bayfield County, Wisconsin such that Section (d) is deleted; and

**WHEREAS**, it is deemed in the best interest of Bayfield County to amend **Alternative Developments** under §13-1-63 (e)(1)-(5) Code of Ordinances, Bayfield County, Wisconsin such that Section (e)(1)-(5) is deleted; and

**WHEREAS**, it is deemed in the best interest of Bayfield County to amend **Nonconforming Parcels** under §13-1-63(f) Code of Ordinances, Bayfield County, Wisconsin such that Section (f) is deleted; and

**WHEREAS**, it is deemed in the best interest of Bayfield County to amend **Historic Site Overlay District** under §13-1-63(g) Code of Ordinances, Bayfield County, Wisconsin such that (g) is re-lettered to (d);

**WHEREAS**, it is deemed in the best interest of Bayfield County to amend **Old Growth Overlay District** under §13-1-63(h)(1)-(3) Code of Ordinances, Bayfield County, Wisconsin such that Section(h)(1)-(3) is deleted; and

**NOW, THEREFORE**, the Bayfield County Board of Supervisors does hereby ordain as follows:

**AN ORDINANCE AMENDING SECTIONS 13-1-63, CODE OF ORDINANCES,  
BAYFIELD COUNTY, WISCONSIN.**

**Sec. 13-1-63 Town of Russell Overlay District** (©)8/30/2005)

- (a) **Applicability.** The Town of Russell Overlay District shall apply to and include all lands within the Town of Russell. (©)8/30/2005)
- (b) **Intent of Town of Russell Overlay District.** The intent of this overlay district is to promote the public health, safety, convenience and general welfare; to encourage planned and orderly land use development; to protect property values and the property tax base; to permit the careful planning and efficient maintenance of roadways; to ensure adequate highway, utility, health, educational and recreational facilities; to recognize the needs of agriculture, forestry, industry and business in future growth; to encourage uses of land and other natural resources which are in accordance with their character and adaptability; to encourage the protection of old-growth forests; to preserve wetlands; to conserve soil, water and forest resources; to protect the beauty and amenities of landscape and man-made developments; to provide healthy surroundings for family life; and to promote the efficient and economical use of public funds. (©)8/30/2005)
- (c) **Definitions.** All terms contained herein shall be as defined in Sec. 13-1-4 unless otherwise defined within this section. (©)8/30/2005)
- ~~(1) **Alternative Development.** A development or land division in which dwellings and other buildings are located on only a portion of a development, in contrast to conventional practice, which distributes development evenly across the entirety of a parcel, in order to accomplish either of the following: (©)8/30/2005)~~
- ~~a. Preserve by deed restriction, including conservation easement, restrictive covenant and development rights transfers, the majority of the land division parcel for present or future agricultural use or conservation; (©)8/30/2005)~~
- ~~b. Create, maintain or expand protective barriers contiguous with roadways, lakes, wetlands and other natural resources in the Town of Russell. (©)8/30/2005)~~
- ~~(2) **Certified Forester.** A person meeting the requirements of Section NR 1.21(2)(e) of the Wisconsin Administrative Code. (©)8/30/2005)~~
- ~~(3) **Conservation Easement.** As provided in §700.40, Wis. Stats., a holder's non-possessory interest in real property imposing any limitation or affirmative obligation, the purpose of which includes retaining or protecting natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site, as defined in §157.70(1)(b), Wis. Stats. or preserving the historical, architectural, archaeological or cultural aspects of real property. (©)8/30/2005)~~



~~(4) **Deed restriction.** A restriction on the use of a property set forth in a deed or other instrument of conveyance, including, but not limited to, a restrictive covenant, conservation easement, transfer of development rights or any restriction placed on undeveloped land as a condition for the division or development of the undeveloped land. (©)8/30/2005)~~

~~(5)(1) **Historic Site Overlay.** An area designated by the Bayfield County Board that possesses a contiguous or nearly contiguous historic site(s), building(s), structure(s) or objects united historically and/or aesthetically by a common theme or a set of common characteristics that are historically or architecturally significant to the Town of Russell, the state or the nation. (©)8/30/2005)~~

~~(6)(2) **Historic Site.** Any parcel of land whose historic significance is due to a substantial value in tracing the history or prehistory of, humanity, or upon~~

which a historic event has occurred and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as, and constituting part of, the premises on which the historic structure is situated. (©)8/30/2005)

~~(7)(3) **Historic Structure/Building.** Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the Town of Russell, the state or the nation and which has been designated as a historic structure pursuant to the provisions of this section. (©)8/30/2005)~~

~~(8) **Old-Growth Forest.** A forest that includes at least eight 100-year-old trees per acre; is at least five acres in size. (©)8/30/2005)~~

~~(d) **Zoning District Dimensional Requirements and Classification.** Except as provided in subsections (e) and (f) below, the following dimensional requirements shall apply to all parcels located within the Town of Russell Overlay District: (©)8/30/2005)~~

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				Principal Building	Accessory Building
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F-2, A-2	35 acres	1,200'	1,200'	75'	75'
I, C	5 acres	300'	300'	75'	75'
R-4					
(a) Sewer/Water	9.5 acres	75'	75'	10'	10'
(b) Sewer Only	9.5 acres	75'	75'	10'	10'
(c) Water Only	9.5 acres	100'	100'	10'	10'
W	5 acres	N/A	N/A	N/A	N/A

(©)8/30/2005); (D)4/19/2016); (A)4/19/2016)

The classification of uses stated in Section 13-1-62 of the Bayfield County ordinances as of the date of the adoption of this section shall apply to the Town of Russell Overlay District. (©)8/30/2005)

(e) **Alternative Developments.** In order to further the goals and policies of the Town of Russell Land Use Plan, the Bayfield County Planning and Zoning Agency will favor plans for land divisions that provide for an alternative development. At the discretion of the Bayfield County Planning and Zoning Agency, deed restrictions, including restrictive covenants, or conservation easements, or both, may be required for such plans. (©)8/30/2005); (A)7/30/2013); (A)4/19/2016); (A)2/27/2018)

(1) **Minimal Lot Area.** The minimal lot area as stated in subsection (d) above shall apply unless the developer submits an application and plan for an alternative development that includes a plan as to how the minimal open space will be maintained. Upon consideration of the recommendation and the approval by the Bayfield County Planning and Zoning Agency of a plan for an alternative development, the minimal lot requirements of Section 13-1-60 of the Bayfield County Zoning Ordinance shall apply to that portion of the development not required to meet the open space requirements. (©)8/30/2005); (A)7/30/2013); (A)4/19/2016); (A)2/27/2018)

(2) **Minimal Open Space.** A plan for an alternative development shall include minimal open space as set forth in the table below. (©)8/30/2005)

Zoning District	Percent of acreage required to remain open space	Percentage of acreage dividable under section 13-1-60
R-RB, R-1, R-4, I, G	35%	65%
F-1, R-2, R-3, A-1	45%	55%
F-2, A-2	50%	50%

(©)8/30/2005); (A)4/19/2016)

(3) **Ownership of Minimal Open Space.** Ownership of the open space shall as follows: (©)8/30/2005); (A)12/15/2009)

a. Each unit created under this section may own an equal amount of the required minimum open space, or an unequal amount of open space or none of the required open space if that was the wishes of the owner as long as the minimum requirement was met. A deed restriction shall be recorded describing the open space and buildable space, restricting the entire lot from being subdivided and prohibiting any structure; any change in the use of the land requiring a permit within the open space or (©)12/15/2009); (A)4/19/2016)

b. Any individual or entity may own the entire open space. A deed restriction shall be recorded describing the open space, prohibiting the open space from being subdivided and prohibiting any structure; any change in the use of the land requiring a permit within the open space. (©)12/15/2009); (A)4/19/2016)

c. The creation of any lots and open space shall be by a Certified Survey Map. (©)12/15/2009)

d. A Class A Special Use permit shall be required prior to any subdivision under this section. (©)12/15/2009); (A)4/19/2016)

(4) **Uses of Open Space.** Space that is dedicated to be open shall be maintained in a natural, undisturbed condition, which shall include the farming of crops, and keeping of animals. Limited access may be allowed for passive or active recreation. (©)8/30/2005); (A)4/19/2016)



- (5) ~~**Additional Plan Requirements.** A plan for an alternative development shall meet all of the requirements of the Bayfield County Zoning Ordinance and shall include the following:~~ (C)8/30/2005
- a. ~~The location of all improvements and minimal open space and a plan as to how the minimal open space will be maintained.~~ (C)8/30/2005
  - b. ~~A plan that as to how the minimal open space will be used and maintained;~~ (C)8/30/2005
  - c. ~~Existing zoning on and adjacent to the proposed development;~~ (C)8/30/2005
  - d. ~~Any proposed lake and stream access with a small drawing clearly indicating the location for the proposed development in relation to the access;~~ (C)8/30/2005
  - e. ~~Any proposed lake and stream improvements or relocation;~~ (C)8/30/2005
  - f. ~~All Department of Natural Resources designated wetlands, and any field verified wetlands designated by a public agency.~~ (C)8/30/2005
  - g. ~~The Bayfield County Planning and Zoning Agency shall require submission of a draft of protective covenants, where a covenant is proposed and whereby the land divider intends to regulate land use in the proposed development. The covenants may be subject to the review and approval of the Bayfield County Corporation Counsel as to form;~~ (C)8/30/2005; (A)7/30/2013; (A)4/19/2016; (A)2/27/2018
  - h. ~~Easements shall be shown and shall be limited to utility easements, drainage easements, conservation easements, access easements and service easements;~~ (C)8/30/2005
  - i. ~~A detailed statement as to whether and how the proposed development is consistent with the Town of Russell Land Use Plan;~~ (C)8/30/2005
  - j. ~~Characteristics of vegetation;~~ (C)8/30/2005
  - k. ~~Historic and cultural features;~~ (C)8/30/2005
  - l. ~~Scenic vistas.~~ (C)8/30/2005
  - m. ~~A plan for an alternative development shall and shall assure proper use, construction and maintenance of open space facilities and shall result in a development superior to conventional development in terms of its benefits to future owners of the development, surrounding residents and the general public. The Town of Russell Board may recommend and County Planning and Zoning Agency may place whatever additional conditions or restrictions it deems necessary to insure development and maintenance of the desired character, including plans for disposition or re-use of property if the open space use is not maintained in the manner agreed upon or is abandoned by the owners.~~ (C)8/30/2005; (A)7/30/2013; (A)4/19/2016; (A)2/27/2018

~~(f) **Nonconforming Parcels.** Notwithstanding Sec. 13-1-26(d), any parcel of land with dimensions not conforming to the zoning district dimensions of this section that was created by a county approved certified survey map or plat prior to the adoption of this section on the 30th day of August 2005, shall not be subject to the dimensional requirements of this section. Further subdivision of such parcels and all other parcels shall be governed by this section. (©)8/30/2005)~~

~~(g)~~(d) **Historic Site Overlay District.** It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. (©)8/30/2005)

(1) The purpose of this section is to: (©)8/30/2005)

- a. Effect and accomplish the protection, enhancement and preservation of such improvements, sites and districts which represent or reflect elements of the Town of Russell's cultural, social, economic, political, artistic and architectural history; (©)8/30/2005)
- b. Safeguard the Town of Russell's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts; (©)8/30/2005)
- c. Foster civic pride in the notable accomplishments of the past; (©)8/30/2005)
- d. Stabilize and improve property values and enhance the visual and aesthetic character of the Town of Russell; (©)8/30/2005)
- e. Protect and enhance the Town of Russell's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry. (©)8/30/2005)

(3) **Classification Procedure and Criteria** (©)8/30/2005)

- a. Addition and Removal of Historic sites – Procedure (©)8/30/2005)
  1. Historic sites and historic structures may be added to, or removed from, the Historic Site Overlay District upon a petition by either the landowner or Town of Russell Board. (©)8/30/2005)
  2. Before adding or removing any site or structure to or from the Historic Site Overlay District, the Bayfield County Planning and Zoning Committee shall review the recommendation of the Town of Russell. (©)8/30/2005); (A)7/30/2013)
  3. The committee shall then vote to add or remove the site or structure to or from the Historic Site Overlay District based upon the recommendation of the Town of Russell and the criteria in paragraph b. below. The final decision shall be made by the Bayfield County Board. (©)8/30/2005);

4. Designated historic sites or structures: (©)4/19/2016)
  - a. Engbloom School site Bayfield County Coordinates  
x8121100 y572800 (©)4/19/2016)
  - b. Sand Bay School site Bayfield County Coordinates  
x81400 y578300 (©)4/19/2016)
  - c. Raspberry School site Bayfield County Coordinates  
x827900 y569700 (©)4/19/2016)
  - d. Carver School Site Bayfield County Coordinates  
x832560 y561400 (©)4/19/2016)
- b. **Criteria for Addition and Removal of Historic sites** – For purposes of this section, a locally designated historic structure, historic site or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to the Town of Russell, the state or the nation, which: (©)8/30/2005)
  1. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community; or (©)8/30/2005)
  2. Is identified with historic personages or with important events in national, state or local history; or (©)8/30/2005)
  3. Embodies the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship, or that represents a significant and distinguishable entity whose components lack individual distinction; or (©)8/30/2005)
  4. Is representative of the notable work of a master builder, designer or architect who influenced his age; or (©)8/30/2005)
  5. Has yielded, or may be likely to yield, information important to prehistory or history. (©)8/30/2005)
- (4) **Management and Maintenance** – Ordinary maintenance and repairs may be undertaken, provided that the work involves repairs to existing features of a historic structure or site, or the replacement of elements of a structure with pieces identical in appearance, and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit. (©)8/30/2005)
- (5) **Permitted Uses** – All uses permitted within the underlying zoning district, by right, shall be permitted unless specifically prohibited below. In all cases, the more restrictive requirement(s) shall apply. (©)8/30/2005); (D)5/28/2019)



- (6) **Prohibited Uses** – The following shall not be permitted within a historic district prior to the issuance of a special use permit. (©)8/30/2005)
- a. The construction or reconstruction, alteration or demolition of all of or any part of the property. (©)8/30/2005)
  - b. Improvements made to any site or structure beyond the typical maintenance that will not change the appearance or character of the site or structure. (©)8/30/2005)
  - c. The construction, building or maintenance of any road path or thoroughfare for the passage of motor vehicles. (©)8/30/2005)
- (7) The Town Board shall recommend and the county shall issue a special use or permit unless: (©)8/30/2005)
- a. In the case of a historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done; (©)8/30/2005)
  - b. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect, or not be compatible with, the external appearance of other neighboring improvements on such site or within the district; (©)8/30/2005)
  - c. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district; (©)8/30/2005)
  - d. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair; (©)8/30/2005)
  - e. The building or structure is of such local architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state; (©)8/30/2005)
  - f. In the case of a request for a demolition permit, the denial of the demolition permit would result in the loss of reasonable and beneficial use of, or return from, the property. (©)8/30/2005)

~~(h) — **Old-Growth Overlay District** (©)8/30/2005)~~

- ~~(1) — **Purpose.** The purpose of the Old-Growth Overlay District is to: (©)8/30/2005)~~

- a. — Discourage development and disturbance to the natural environment in areas with old growth/virgin timber. — (©)8/30/2005)
- b. — Provide areas where native flora and fauna may prosper in a natural habitat. — (©)8/30/2005)
- (2) — **Applicability.** The Old Growth Overlay District shall apply to Old Growth Forests placed therein pursuant to paragraph (3) below. — (©)8/30/2005)
- (3) — **Classification procedure** — (©)8/30/2005)
  - a. — Old growth forests may be added to, or removed from, the Old Growth Overlay District upon a petition by either the landowner or the Town of Russell Board. — (©)8/30/2005)

*Motion by Strand, seconded by Rondeau to adopt Amendatory Ordinance No. 2022-10 Petition to Amend Sections 13-1-63, Code of Ordinances, Bayfield County, Wisconsin. Motion carried, 13-0.*

### **13. Bayfield County Amendatory Ordinance No. 2022-11:**

#### **To Add 1 Route to the All-Terrain Vehicles Designated Route in the Bayfield County Code of Ordinances, Title 10 – Chapter 3**

Title 10, Chapter 3,

Motor Vehicles & Traffic

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## **Chapter 3: All-Terrain Vehicles and Off-Road Motor Vehicle Operation**

### **Sec. 10-3-1 State All-Terrain Vehicle Laws Adopted.**

The provisions describing and defining regulations with respect to all-terrain vehicles in §23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth therein.

### **Sec. 10-3-2 Purpose.**

Taking consideration of the economical and recreational value weighted against possible dangers, liability aspects, terrain involved, traffic density and public health, this ordinance has been created to designate certain all-terrain vehicle routes on portions of existing county highways, to identify the procedure for establishment of additional all-terrain vehicle routes in the county, to set forth conditions of operation of all-terrain vehicles on the county trunk highway system and signage, suspension and revocation of all-terrain vehicle routes, and to specify penalties for violation of this ordinance.

### **Sec. 10-3-3 Authority.**

This ordinance is enacted pursuant to County Board authority under Wis. Stat. 59.02, as authorized by 23.33 (11)(am) and 23.33 (8)(b).

### **Sec. 10-3-4 Establishment of ATV Routes.**

County Trunk Highways designated as ATV routes shall be established and approved by the Bayfield County Board upon recommendation by the Highway Committee. The Highway Committee shall develop policies and procedures for the designation of ATV routes including appropriate criteria for making a designation.

### **Sec. 10-3-5      Operation of All-Terrain Vehicles on the County Trunk Highway System**

- (a) All ATV's shall operate only on the extreme right side of the paved portion of the roadway. Operation of an ATV on the shoulder, ditch or right-of-way is prohibited and illegal.
- (b) All ATV operators shall observe and obey posted speed limits. The speed limit for ATVs traveling on designated routes is 40 mph unless otherwise posted.
- (c) All ATV operators shall ride in single file.
- (d) ATV operators shall yield the right-of-way to other vehicular traffic and pedestrians.
- (e) All ATV operators shall have their headlight and taillight illuminated at all times while operating on a county highway.
- (f) All persons under the age of 18 must wear a helmet when operating or riding an ATV.
- (g) All ATV operators will be in compliance with Statutory Regulations.
- (h) All ATV operators assume all the usual and normal risks of ATV operation while on the approved County Highway route(s).

### **Sec. 10-3-6      Signage of ATV Routes.**

Any ATV signage on County Trunk Highway right-of-way will be installed by the Bayfield County Highway Department which shall be reimbursed for time and materials by the Route Sponsor. All signage will be in accordance with Wisconsin Administrative Code NR 64.12 (7). Any removal, damage, defacing, moving, or obstructing of signage is illegal and prohibited.

### **Sec. 10-3-7      Enforcement.**

This ordinance shall be enforced by the Bayfield County Sheriff's Department or any other law enforcement official as set forth in Wis. Statute 23.33(12).

### **Sec. 10-3-8      Violations.**

- (a) Wisconsin state All-Terrain Vehicle penalties as found in s. 23.33 (13) (a) Wis. Stats., are adopted by reference.
- (b) Forfeiture: The penalty for violation of any provision of this Chapter shall be a forfeiture, in accordance with Title 1, Chapter 2 of the Bayfield County Code of Ordinances, together with the court costs and fees and the applicable penalty assessment. Forfeiture for violation of any ATV regulation(s) set forth in the Wisconsin Statutes adopted by reference in this Chapter shall conform to the forfeiture penalty permitted to be imposed under the applicable statute(s).

**Sec. 10-3-9      Maintenance.** Approval of highway segments as ATV routes does not imply that additional maintenance will be provided by the Bayfield County Highway Department. These segments will be maintained like any other segment of County Highway, and Bayfield County makes no representation as to their condition or fitness for ATV use.

### **Sec. 10-3-10      Designated Routes.**

The following routes are designated all-terrain vehicles routes in Bayfield County:

1. CTH H (Scenic Drive to Finger Lake Road) – 0.15 *mile* (Adopted May 17, 2014)
2. CTH N (Hiatt Road to Longview Road) 2.26 miles

3. CTH N (STH 27 To Kickapoo Trail) 4.64 miles *(Adopted Nov. 28, 2014)*
4. CTH D (CTH M to Pioneer Road) 6.07 miles *(Adopted Jan. 26, 2016)*
5. CTH C (Siskiwit Lake Road to Mountain Road) 0.51 mile (Siskiwit Falls Road to Huron Avenue) 0.21 mile
6. CTH E (Sutherland to STH 63) 1.19 miles
7. CTH N (Pease Road to CTH A) 0.50 mile
8. CTH A (CTH N to Kickapoo Trail) 0.25 miles
9. CTH F (USH 2 to STH 63) *(Adopted Aug. 27, 2013)* – 3.47 miles *(Adopted May 27, 2014)*
10. CTH E (USH 2 to Keystone Road) *(Adopted Aug. 27, 2013)* – 1.0 miles
11. CTH M (Kavanaugh Road to USH 63, (1 City Block) *(Adopted Oct. 1, 2013)* – 0.09 Mile *(Adopted May 27, 2014)*
12. CTH C (FR 696 to FR 697) – 0.25 Mile *(Adopted May 27, 2014)*
13. CTH H (Horstman Road to CTH E) – 1.96 miles *(Adopted Nov. 28, 2014)*
14. CTH E (CTH H to Panasuk Road) – 1.00 mile *(Adopted Nov. 28, 2014)*
15. CTH E (Lund Road to Faith Church Road) - .50 Miles *(Adopted Nov. 28, 2014)*
16. CTHE (Moonshine Alley Road to Olaf Johnson Road) – 1.00 Miles *(Adopted Nov. 28, 2014)*
17. CTH E (Andrew Anderson Road to Benoit Road) – .50 Miles *(Adopted Nov. 28, 2014)*
18. CTH E (Panasuk Road to Keystone Road) – 1.00 Mile *(Adopted Nov. 28, 2014)*
19. CTH M (Frels Road to Garmisch Road) – 2.72 miles *(Adopted Aug. 30, 2016)*
20. CTH D (Porcupine Lake Road to Club Lake Road) – 0.06 miles *(Adopted Oct. 18, 2016)*
21. CTH H (Scenic Drive West to E Knutson Drive) – .512 miles *(Adopted January 26<sup>th</sup>, 2019)*
22. CTH H (W Knutson Drive to South McCarry Lake Road) – .981 miles *(Adopted January 26<sup>th</sup>, 2019)*
23. CTH H (North McCarry Lake Road to Busky Bay Drive – .964 miles *(Adopted January 26<sup>th</sup>, 2019)*
24. CTH M (Old Grade Road (FR191) and East Lake Five Road) – 1.1 miles *(Adopted February 13<sup>th</sup>, 2019)*
25. CTH H (Hortsman Road to Finger Lake Road) – 4.48 miles *(Adopted March 13<sup>th</sup>, 2019)*
26. CTH H (Scenic Drive to Scenic Drive) – 3.81 miles *(Adopted March 13<sup>th</sup>, 2019)*
27. CTH G (USH 2 east to Pristash Road) – 2 miles *(Adopted July 3<sup>rd</sup>, 2019)*
28. CTH J (Highway 13 to Highway 13) – 8.24 miles *(Adopted August 10<sup>th</sup>, 2019)*
29. CTH I – .7 miles *(Adopted August 10<sup>th</sup>, 2019)*
30. CTH C (Big Pine Trail to Siskiwit Lake Road) – .25 miles *(Adopted August 10<sup>th</sup>, 2019)*
31. CTH D (Highway 63 to Camp 8 Road) – 3.25 miles *(Adopted August 10<sup>th</sup>, 2019)*
32. CTH H (McCarry Lake Road to McCarry Lake Road) – .79 miles *(Adopted August 10<sup>th</sup>, 2019)*
33. CTH H (Buskey Bay Drive to Wayside Road) – 1.2 miles *(Adopted August 10<sup>th</sup>, 2019)*

34. CTH D (Triangle Road to Pioneer Road) – 1 mile (*Adopted September 7<sup>th</sup>, 2019*)
35. CTH C (Big Rock Road to McKinley Road) – 1 mile (*Adopted September 7<sup>th</sup>, 2019*)
36. CTH C (29635 County Hwy C west to South Maple Hill Road) (Void upon sale of home) – .6 mile (*Adopted February 25<sup>th</sup>, 2020*)
37. CTH Y (Intersection of CTH Y and Lake Road south to intersection of CTH Y and South Shore Road in the Town of Barnes) – 1 mile
38. CTH Y (Starting from demarcation point 2.12 miles south of intersection of CTH Y and State Hwy 27 north to intersection of CTH Y and CTH N, portion of CTH N to State Hwy 27 to access trail) – 2.15 miles
39. CTH E (CTH H to Highway 63) – 9.4 miles
40. CTH A (Summit Street in the Town of Iron River south to Kolling Road) – 2.1 miles
41. **CTH M (Trail Inn Road to Telemark Road) – 0.6 miles**

### **Sec. 10-3-11 Suspension and Revocation of Route**

- (a) The Bayfield County Highway Commissioner shall have the authority to suspend operation of any ATV route for up to ninety (90) days due to hazard, construction or emergency conditions in any highway segment listed as a designated route.

Any ATV route may be revoked at any time by the Bayfield County Highway Commissioner. At the next Bayfield County Highway Committee meeting following the revocation, the committee shall take action to either uphold the revocation or overturn it.

*Motion by Crandall, seconded by Ray to adopt Amendatory Ordinance No. 2022-11 To Add 1 Route to the All-Terrain Vehicles Designated Route in the Bayfield County Code of Ordinances, Title 10 – Chapter 3. Motion carried, 13-0.*

#### **14. Discussion and Possible Action Regarding Tribal County Law Enforcement Agreement:**

Abeles-Allison asked that the item be deferred to the next meeting. No action was taken on the item.

#### **15. Bayfield County Resolution No. 2022-98:**

##### **Authorizing the Formation of Housing RFP Review Committee and Criteria and Executive Committee Action Selecting Developer**

**WHEREAS**, On July 26, 2022 the Bayfield County Board authorized a Housing Development RFP; *and*,

**WHEREAS**, Several proposals were received by the September 23 deadline; *and*,

**WHEREAS**, There is a short timeline for developer preparations as the WHEDA deadline for LITHC is expected to be around the end of the year;

**NOW THEREFORE BE IT RESOLVED**, that the Bayfield County Board of Supervisors assembled this 27<sup>th</sup> day of September 2022, does hereby authorize the formation of a review committee that will be organized by county staff, incorporating city and county representatives in addition to other housing related experts; *and*,

**BE IT FURTHER RESOLVED**, that the Committee will evaluate proposals and make a recommendation to the Bayfield County Executive Committee to make a final decision on a Developer; and,

**BE IT FURTHER RESOLVED**, that the criteria for the review shall be:

- Creation of new attainable housing opportunities for Senior Workforce populations
- Financial Viability of Project
- Developer Experience and Qualifications
- Opportunities for Collaboration with Local Partners
- Innovation

Abeles-Allison reviewed the purpose of the resolution and informed the board that several applications were received. Discussion took place regarding the criteria listed.

*Motion by Silbert, seconded by Ray to allow meeting attendees that submitted application to speak on behalf of their project. Motion carried, 13-0.*

Max Lindsey, housing development applicant, informed the board that he and his wife submitted and application and gave a history of their experience with housing and property ownership. Lindsey owns and manages multiple properties but does not have experience with a housing development project of this size.

Brett Campbell, North Valley Construction, gave a history of his experience with construction and housing development to the board and spoke in favor of Lindsey's proposal.

*Motion by Silbert, seconded by Fickbohm to adopt Resolution No. 2022-98 Authorizing the Formation of Housing RFP Review Committee and Criteria and Executive Committee Action Selecting Developer. Motion carried, 13-0.*

**16. Discussion and Possible Action Regarding the Appointment of Christina Eliason to the Bayfield County Board of Adjustment with a Term Ending June 30, 2025:**

Pocernich asked Abeles-Allison if a member was leaving. Abeles-Allison replied that Dennis Rasmussen was wanting to leave the Board of Adjustment. Silbert asked if anyone knew the applicant and had knowledge of their qualifications. Abeles-Allison answered no. Silbert suggested to wait to take action on the item until staff has a chance to interview the applicant and check their qualifications. The board agreed and no action was taken.

**16. Reports;**

**a) Future County Board Meeting Dates:**

- a. October 25, 2022
- b. November 15, 2022 (statutory requirement)
- c. December – will meet if necessary

**b) Executive Committee Budget Meeting Schedule (All Invited)**

- a. Sept 27, Tuesday, 4pm
- b. Sept 29, Thursday 4pm
- c. Monday October 3, 4pm
- d. Thursday, October 6, 4pm

**c) Comprehensive Planning Meeting Update:** Abeles-Allison reported that the committee recently met and had an excellent discussion regarding the plan components. One challenge the committee noted is that every town has its own unique classification system within their land use plan and those classifications often do not coincide with the county's classification system. Ray

reported that one of his work groups found a lot of ideas in the previous plan that were not implemented or acted upon and the group would like to discuss if adequate staff time will need to be budgeted for such ideas or if the current budget staff time could be utilized.

- d) **Courthouse Construction Projects:**
  - a. **Courthouse Annex HVAC**
  - b. **Annex/Jail Roof**
  - c. **Electric/Micro-Grid/Solar**

17. **Supervisors' Reports:** Silbert reported that Northern Lights has been experiencing several issues and he has requested that Abeles-Allison reach out to Pauline Darling, Northern Lights CEO, and have her speak on these issues at an upcoming board meeting. Abeles-Allison informed the board that Darling has been added to the October County Board agenda.

Ray reported that the Economic Development Corporation is also currently undertaking the strategic planning process.

Sandstrom reported that he was asked to speak at the League of Women Voters' meeting the night before on behalf of Bayfield County and noted that many parties spoke in favor of the county.

Oswald asked for a report on the recent WCA Conference. Pocernich reported that the conference had a good turnout and overall went well. The resolutions in support of meat processors and rural EMS, that were submitted by Bayfield County, were both accepted.

18. **Adjournment:**

There being no further business to come before the Bayfield County Board of Supervisors, *Chairman* Pocernich adjourned the meeting at 7:24 p.m.

Respectfully submitted,

**LYNN M. DIVINE**  
*Bayfield County Clerk*  
LMD/pat